

TUESDAY, January 25, 1853.

The Senate was called to order by the President, pursuant to adjournment—Prayer by the Rev. Mr. Taliaferro—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Bigelow presented the petition of Patrick C. Shinn; referred to the committee on State Affairs.

Mr. Williams presented the petition of J. C. Howard and of David Snively; referred to the committee on Claims and Accounts.

Mr. Day, from the committee on Public Lands, to which was referred a bill for the relief of Joel Pierce, reported the same back and recommended its passage.

Mr. Grimes, chairman of the committee on Finance, made the following report:

The committee on Finance have considered the bill for the relief of John C. Caddell, Assessor and Collector of Bell county. This is a claim against the State for taking the Census of his county in the year 1852.

Your committee find no law requiring the census to be taken in that year, and that no benefit could ensue to the State by taking the census after the time prescribed by law, as the returns came in too late to be used in the apportionment of Senators and Representatives of the Legislature of the State.

The committee have therefore instructed me to report the bill back to the Senate and recommend that no further action be had thereon.

The committee on Finance have considered the bill for the relief of Joab B. Harrel, Sheriff of Williamson county. This is a claim for extra guards summoned by the sheriff, to convey Massalon Farley, a convict, to the Penitentiary. Your committee are of the opinion that the 9th section of the act to establish a State Penitentiary (article 2672, Hartley's Digest) provides for this case, and that the order of the court is sufficient to prove an extreme case fully justifying the Sheriff in summoning, and the superintendent in paying for extra guards. Believing there is no occasion for legislation on this subject, your committee have instructed me to report the bill back to the Senate, and ask to be discharged from its further consideration.

Mr. Day, from the committee on Public Lands, made the following report:

Your committee on Public Lands, to whom was referred the petition of sundry citizens praying the modification of the boundaries of Cooke county and Cooke land district, so as to include

certain territory therein specified, have had the same under consideration and believe it will be inexpedient to act upon said petition and bill at the present session of the Legislature.

All of which is respectfully submitted.

Mr. Parker, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, to whom was referred the petition of Calvin Boales, have examined the same, and from the evidence, it is shown that said petitioner furnished in the year 1840, to the command of Col. Wheeler, supplies in corn and beef to the amount of eight hundred dollars in Texas promissory notes, which was estimated to be worth at that time 25 cents on the dollar ; it is further shown that the Congress of Texas in 1844 passed a bill for his relief, and from the financial condition of the Republic, the President withheld his signature and refused his approval to several similar bills for relief at that time.

From all evidences, the committee have instructed me to report in favor of petitioner, and recommend the passage of the accompanying bill :

A bill for the relief of Calvin Boales ; read first time.

Mr. Bogart, chairman of the committee on Counties and County Boundaries, made the following report :

Your committee on Counties and County Boundaries, to whom was referred the petition of sundry citizens of Bexar, Gonzales and Goliad counties, praying for a new county to be called Shackleford, have had the same under consideration, and find it difficult to reconcile the conflicting interests ; and being desirous to do justice to all concerned, and not being in possession of facts sufficient to justify the report of a bill as prayed for by the petitioners, the committee have instructed me to report the petition back to the Senate and ask to be excused from the further consideration of the same.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, viz :

A bill supplementary to an act concerning crimes and punishments, approved March 20, 1848 ;

A bill to extend the provisions of an act to provide for the ascertaining the debt of the late Republic of Texas, approved March 21, 1848 ;

A bill to incorporate the Texas Orphan Asylum ;

A bill to facilitate the operations of persons engaged in the United States Coast survey in the State of Texas, under proper restrictions ;

A bill for the relief of Isaac Mullsin ;

A bill concerning offences committed by negroes; and
A bill supplementary to an act to establish the La Salle and El
Paso railway company.

A message was received from the House, informing the Senate
that the House had passed a bill to amend an act to create the
county of Hidalgo.

Mr. Taylor, chairman of the committee on Private Land
Claims, made the following report:

Your committee on Private Land Claims have considered the
petition of Edward Morrison, and find that the said Morrison
came to Texas at the early age of ten years, and entered the Navy
of Texas as a Midshipman, under Commodore Moore, which
station he filled with credit to one so young as himself. It also
appears that he has never received any lands from Texas. The
committee, believing him to be entitled to what he prays for, have
instructed me to report a bill for his relief, and recommend its
passage.

M. D. K. TAYLOR.

Mr. Wilson, chairman of the committee on Education, to which
was referred a bill to establish a system of common schools, re-
ported the same back and recommended its passage.

Mr. Taylor, chairman of the committee on Private Land
Claims, made the following report:

The committee on Private Land Claims have had under con-
sideration the petition of James Wilson, praying relief, and find
from the evidences that the petitioner was a citizen of Texas in
the year 1839, and was most of the time from that year to 1842
in the service of Texas, on the frontier, and in that year he joined
the Mier expedition and was for some time a prisoner in Mexico;
during this period the time for issuing certificates had expired
and he cannot now go elsewhere for relief but to the Legislature.
All things considered, the committee have instructed me to report
a bill for his relief, and recommend its passage, all of which is
submitted.

A bill for the relief of James Wilson; read first time.

Mr. Hill, chairman of the committee on Public Debt, made
the following report:

The committee on the Public Debt have examined a bill for
the relief of William E. Howth, and find that on draft No. 142,
dated July 3rd, 1836, for three hundred and twelve dollars, there
seems to have been paid \$33 90 in the fall of 1836, and that said
draft has been lost by said Howth. Your committee are also
informed that due notice of the loss was filed, and have instruct-
ed me to report the bill back to the Senate and recommend its
passage.

Mr. Duggan offered the following resolution :

Resolved, That the house of Representatives concurring, that the two Houses adjourn on Monday 31st instant.

Mr. Grimes introduced a bill to authorize the sale of the unsold and forfeited lots in the city of Austin and tract adjoining; read first time.

Mr. Wilson introduced a bill to incorporate the Chocolate Bridge company; read first time.

Mr. Bogart introduced a bill to prevent locations in Peters' Colony; read first time.

On motion of Mr. Bogart, the rule was suspended, bill read second time, and referred to the committee on the Judiciary.

Mr. Dancy introduced a bill to amend an act to incorporate the Brazos and Colorado Railroad company; read first time.

On motion of Mr. Dancy, the rule was suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Dancy, the rule was further suspended, bill read third time and passed by an unanimous vote.

Mr. Wilson introduced joint resolution requiring a judicial investigation into the validity of certain land certificates therein mentioned, issued to Henry F. Fisher and Burchard Miller; read first time.

On motion of Mr. Duggan, a bill to incorporate the town of Seguin was taken up, read second time and ordered to be engrossed.

On motion of Mr. Davis, a bill to incorporate the Cold Spring Female Institute, together with the report of the committee on Education, offering an amendment thereto, was taken up and read; amendment adopted, and bill ordered to be engrossed.

On motion of Mr. Davis, the rule was suspended, bill read third time, and passed unanimously.

On motion of Mr. Reaves, a bill to incorporate Tyler University was taken up, and read, together with the report of the committee on Education, offering a substitute therefor; substitute adopted, and bill ordered to be engrossed.

On motion of Mr. Reaves, the rule was suspended, bill read third time and passed unanimously.

ORDERS OF THE DAY.

A bill making appropriations for the improvement of the rivers in the State.

The question before the Senate was on the following amendment offered by Mr. Hill:

Strike out "\$37,500," and insert "\$100,000, for the Trinity river."

On motion of Mr. Reaves, the Senate adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

Senate met—roll called—quorum present.

The amendment offered by Mr. Hill, proposing to strike \$37,500, and insert \$100,000, for the improvement of the Trinity river, was rejected by the following vote:

YEAS—Messrs. Bogart, Hart, Hill and Kinney—4.

NAVS—Messrs. Armstrong, Bigelow, Burks, Dancy, Davis, Day, Duggan, Ford, Gray, Grimes, Mensebach, Parker, Potter, Reaves, Scott, Taylor, Truit, Williams and Wilson—19.

Mr. Bigelow offered the following amendment:

Amend by adding after the words "Nueces river," in the last line of the 1st section, "and for the Mission river and the Bay at its mouth the sum of three thousand dollars;" adopted.

Mr. Bigelow offered the following amendment: Insert after the words "Jim's Bayou," in the 10th line of 2nd section, "and a board consisting of three members shall be elected for the Mission river and the Bay at its mouth;" adopted.

Mr. Armstrong offered the following: "One half of the sum appropriated to the Brazos shall be expended on said river above the mouth of the Navisoto;" rejected.

Mr. Day offered the following amendment: after the words "Little river, thirty seven thousand five hundred dollars," insert "for the Galveston and Brazos Canal now in process of construction, twenty thousand dollars;" rejected.

Mr. Potter offered the following amendment: after the words "Little river," in 10th line of 1st section, insert the following: "and towards the completion of the canal now in progress of construction under the direction of the Galveston and Brazos Navigation company;" adopted.

Mr. Scott offered the following amendment to the 1st section: after the word "Jefferson," strike out the word "eight" and insert the word "twelve;" adopted.

Mr. Armstrong offered the following amendment: for the Brazos, Little river and Brazos Canal, strike out "\$37,500," and insert "\$47,000;" rejected.

Mr. Reaves offered the following as a substitute for the 7th section:

SEC. 7.—That the Governor shall cause this act to be submitted to the qualified electors at the next general election to be held in August next, and if a majority of all the qualified electors of

the State shall vote for the adoption of this act, then it shall take effect and be in force, and not otherwise.

Mr. Davis offered the following amendment to the amendment: "and if there are more votes cast in favor of it than against the adoption of this act, then it shall take effect and be in force, and not otherwise;" adopted by the following vote:

YEAS—Messrs. Bigelow, Dancy, Davis, Day, Duggan, Ford, Kinney, Meusebach, Parker, Potter, Scott, Taylor, Truit, Williams and Wilson—15.

NAYS—Messrs. Armstrong, Bogart, Burks, Gray, Grimes, Hart, Hill and Reaves—8.

The amendment as amended was then adopted by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Burks, Davis, Day, Duggan, Ford, Gray, Grimes, Hill, Kinney, Mensebach, Parker, Potter, Reaves, Scott, Taylor, Truit, Williams and Wilson—21.

NAYS—Messrs. Dancy and Hart—2.

Mr. Armstrong offered the following amendment:

Strike out "appointed by the Legislature," and insert "elected by the qualified electors of the State;" rejected.

Mr. Hill moved to amend the bill by striking out all after the enacting clause down to 7th section and insert as follows:

That the sum of \$280,000 be and the same is hereby appropriated, to be drawn for and expended in such manner as may be provided by law, in making suitable scientific surveys of the principal rivers of the State of Texas, to ascertain the extent and character of the obstructions to the free navigation of each, and the probable amount of money required for each stream for the removal of such obstructions, as a basis for Legislative action on that subject; rejected.

Mr. Duggan offered the following amendment: In 16th line of 1st section strike out "twenty-one thousand," and insert "twenty-five thousand;" rejected.

Mr. Duggan offered the following amendment: In 18th line of 1st section, strike out "six thousand," and insert "eleven thousand five hundred;" adopted by the following vote:

YEAS—Messrs. Bigelow, Dancy, Davis, Duggan, Ford, Gray, Hill, Kinney, Meusebach, Potter, Scott and Wilson—12.

NAYS—Messrs. Armstrong, Bogart, Burks, Day, Grimes, Hart, Parker, Reaves, Taylor and Truit—10.

On motion of Mr. Davis, the previous question was called, and bill ordered to be engrossed by the following vote:

YEAS—Messrs. Bigelow, Dancy, Davis, Day, Duggan, Ford,

Kinney, Meusebach, Parker, Potter, Scott, Taylor, Truit, Williams and Wilson—15.

NAYS—Messrs. Armstrong, Bogart, Burks, Gray, Grimes, Hart, Hill and Reaves—8.

On motion of Mr. Wilson, a bill to incorporate the town of Indianola was taken up, read second time and referred to the committee on the Judiciary.

On motion of Mr. Ford, a bill for the relief of Andrew J. Walker was taken up, read second time and referred to the committee on Private Land Claims.

On motion of Mr. Duggan, a bill making appropriations to defray the expenses of the volunteers called into the service of the State was taken up and made the order of the day for to-morrow at 10 o'clock.

Mr. Duggan, chairman of the committee on Enrolled Bills, reported that an act to amend an act to incorporate the Buffalo Bayou, Brazos and Colorado railroad company, was correctly enrolled, and that the same was this day deposited at the Executive office for the signature of the Governor.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported correctly engrossed, a bill to incorporate the Tyler University.

Mr. Dancy, from the committee on State Affairs, made the following report:

The committee on State Affairs have authorized me to report to the Senate the "Joint resolution to provide for amending the 30th section of the General provisions of the constitution," with an amendment, and recommend the passage of the joint resolution as amended.

Requiring as the amendment does that States' or United States' bonds at par or above par should be pledged in the State Treasury in amount equal to the issues of any bank that may be established under a free banking law, the committee is of opinion that the holders of notes will be secured against loss. The objection to chartered banks under the old system is thus overcome as long as the State and the United States remain solvent. No State in this Union is more in need of capital to develope her resources than Texas. It is believed that if Texas now had a free banking law upon the principles recommended, the State could settle her debts with State bonds more readily than money. If the State should undertake to carry on a system of Internal Improvements by issuing State bonds to pay her debts, she could, at once, use the United States bonds without negotiating a loan for the purpose of constructing her public works. Believing

that the amendment recommended will be productive of much good to the State if adopted, we hope it will be submitted to the people. Having an abiding confidence in the good sense and integrity of the electors of our State, we have no fear that they will ever vote for an amendment to the constitution which will have a tendency to injure the State. JON W. DANCY,

One of the committee.

Amendment. Add to section 1, the following: "Requiring in all cases not less than six persons to be associated in any banking company which may be formed, and requiring every company formed under a general banking law to deposite in the State Treasury, either State five per cent. bonds or United States five per cent. bonds, which are at par or above par, equal in amount to the amount of the notes, to be issued by any such company as security to prevent the note holders and creditors of such company from sustaining any loss by the failure of such company to meet its liabilities. And the Comptroller shall certify the fact, that the bonds are so deposited upon the face of each bank note issued by any such company."

On motion of Mr. Bogart, the Senate adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, January 26, 1853.

The Senate was called to order by the President, pursuant to adjournment—Prayer by the Rev. Mr. Thomas—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Potter presented the memorial of sundry citizens of Galveston; read and referred to the committee on Internal Improvements.

Mr. Davis, chairman of the committee on State Affairs, to which was referred the petition of the citizens of Guadalupe county, asking that a law be passed allowing free negro Daniel to remain in the State, reported unfavorably to the petition.

Mr. Grimes, chairman of the committee on Finance, made the following report:

The committee on Finance have considered the application of F. Giraud for additional pay for furnishing a plan and estimates for a State Capitol at the request of the Governor, acting under authority of a resolution of the Senate. The resolution asked for a cheap plan to be constructed of brick or stone of sufficient dimensions for the accommodation of the two Houses of the